IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 907 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JESARAM VIRKAJI RANA

Versus

STATE OF GUJARAT

Appearance:
MR ATUL BAROT for MR PR NANAVATI for Petitioner
MR JESARAM VIRKAJI RANA - petitioner is also present before the Court as identified by Mr.Atul Barot, Advocate for the petitioner.
MS HARSHA DEVANI, ld.APP for Respondent-State of Gujarat
SMT VIOLET S BARIYA, Health Visitor from Akhand Jyot Foundation, Paldi, Ahmedabad is present.
MR SUDHANSU DAVE, Legal Adviser for Akhand Jyot Foundation is also present before the Court.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 18/10/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Heard learned Counsel for the parties. This Special Criminal Application was filed in the nature of Habeas Corpus for production of the lady, namely, Pinki before this Court from Akhand Jyot Foundation where she had took shelter after leaving her uncle's house.

After issue of the Rule by this Court, the lady namely Pinki has been produced before this Court today at 2.45 p.m. and the matter was taken up in the Chamber on request of the parties. Smt.Violet S. Bariya, Health Visitor of Akhand Jyot Foundation has produced the lady, Pinki. Pinki has stated before us that her father had expired about eight years back and at that time she was 12 years and now she is 20 years. She says that she is illiterate and that she came in contact the petitioner while both of them were working at Palitana. She has further stated that she married the petitioner in the month of June 2000 and was living with her husband while her husband is working at Bhinmal in Jalore District of Rajasthan. On the basis of the complaint filed by respondent no.2, i.e. Kalubhai Lilabhai Rathod who is uncle of Pinki, she was handed over to him by the police and the petitioner is facing the criminal case on the basis of the FIR lodged by respondent no.2 at Palitana Town Police Station alleging that she had been kidnapped and/or abducted by the petitioner. She has stated that she is happy with her husband; she wants to go with her husband; she had also gone with the petitioner of her own volition and married him with her free will. Even now, she submits that she does not want to live with respondent no.3, i.e. Akhand Jyot Foundation, where she had taken shelter after fleeing from her uncle's house. She has categorically said that she does not want to go with her uncle and she wants to live with her husband, i.e. the petitioner.

In the facts and circumstances of this case, we find that the lady, Pinki is major and she is free to her liberty and since she wants to go with her husband, the officials of Akhand Jyot Foundation, Paldi, Ahmedabad may hand over her to her husband, i.e. the petitioner, as per her own willingness. This Special Criminal Application in the nature of Habeas Corpus is hereby allowed and the Rule is made absolute.

(M.R. Calla, J.)

(R.R.Tripathi, J.)

Sreeram.